

**53C-1-304 Rules to ensure procedural due process -- Board review of director action --
Judicial review.**

- (1) The board shall make rules to ensure procedural due process in the resolution of complaints concerning actions by the board, director, or the administration.
- (2)
 - (a) Except as provided in Subsection (2)(b), an aggrieved party to a final action by the director or the administration may petition the board for administrative review of the decision.
 - (b) Final actions by the director or administration to lease, sell, or exchange specific real property or other trust assets are not subject to administrative review.
- (3)
 - (a) The board may appoint a qualified hearing examiner for purposes of taking evidence and making recommendations for board action.
 - (b) The board shall consider the recommendations of the examiner in making decisions.
- (4)
 - (a) The board shall uphold the decision of the director or the administration unless it finds, by a preponderance of the evidence, that the decision violated applicable law, policy, or rules.
 - (b) The board shall base its final actions on findings and conclusions and shall inform the aggrieved party of its right to judicial review.
- (5) An aggrieved party to a final action by the board may obtain judicial review of that action under Sections 63G-4-402 and 63G-4-403.

Amended by Chapter 247, 2011 General Session